

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 13-20348

v.

Hon. John Corbett O'Meara

D-1 CHARLES MCRAE,
D-2 CECIL KENT, JR.,
D-3 ALVIN WILLIAMS,

Defendants.

**ORDER GRANTING MOTION TO
ADJOURN TRIAL DATE AND DENYING
WITHOUT PREJUDICE MOTION FOR SEVERANCE**

Before the court are Defendant Alvin Williams's motion for severance and Defendant Charles McRae's motion to adjourn the trial date. Defendants are charged with Medicare fraud. Trial is scheduled for July 28, 2015. Williams seeks a severance based upon his poor health – he has stage 4 terminal prostate cancer. The government opposes this request and argues that Williams has not presented sufficient evidence that he is physically incompetent to stand trial.

McRae seeks an adjournment of the trial based upon the volume of discovery recently produced by the government on May 27, 2015. The

government electronically produced approximately 70,000 pages of material on that date, and additional material on June 12, 2015. The government states that it made these materials “available for inspection” on April 14, 2015. Nonetheless, given the volume of material, it is reasonable that Defendants, exercising due diligence, would require additional time to prepare for trial. The court will set a new trial date of **September 28, 2015, at 9 a.m.**

The time period between July 28, 2015, and September 28, 2015 shall be considered excludable delay pursuant to 18 U.S.C. § 3161. Pursuant to 18 U.S.C. § 3161(h)(7)(A), and considering the factors listed in 18 U.S.C. § 3161(h)(7)(B), the court concludes that the ends of justice are served by this delay in order to give Defendants’ counsel reasonable time to effectively prepare for trial in this relatively complex healthcare fraud case. The court finds that the ends of justice served by this delay outweigh the interests of Defendants and the public in a speedy trial.

With respect to Williams’ motion for severance, he has not submitted sufficient medical evidence of his inability to attend trial. The court will deny Williams’ motion without prejudice. He may file additional information and/or a supplemental brief regarding his medical condition by **August 28, 2015**. The government shall respond by **September 11, 2015**. At that time, the court will

determine whether an evidentiary hearing is necessary.

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: July 8, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, July 8, 2015, using the ECF system.

s/William Barkholz
Case Manager